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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	1763.0140000
First Inventor	Jose K. Raphel
Title	System, Method and Computer Program Product to Maximize Server Throughput While Avoiding Server Overload By Controlling the Rate of Establishing Server-Side Network Connections
Express Mail Label No.	

J1054 U  
07/26/01J1000 U.S.P.T.O.  
1009/912401  
07/26/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 26]  
(preferred arrangement set forth below)  
 - Descriptive title of the Invention  
 - Cross Reference to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (if filed)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
- Oath or Declaration [Total Pages 1]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76.

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
 a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper  
 c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
(when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Two Return Receipt Postcards (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Authorization under 37 C.F.R. § 1.136(a)(3)  
 Other: The name of the assignee is:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-Part (CIP)    of prior application No: \_\_\_\_\_ / \_\_\_\_\_  
 Prior application information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS** Customer Number or Bar Code Label

Customer No. 26111

(Insert Customer No. or Attach bar code label here)

or  Correspondence address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. Attorneys at Law			
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CITY	STATE		ZIP CODE	
COUNTRY	TELEPHONE		FAX	

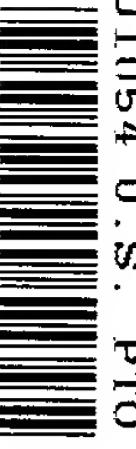
NAME (Print/Type)	Molly A. McCall	Registration No. (Attorney/Agent)	46,126
SIGNATURE	<u>Molly A. McCall</u>		

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J1054 U.S. PTO

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\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

July 26, 2001

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Commissioner for Patents  
Washington, D.C. 20231

*Box Patent Application*

Re:    U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. (to be assigned); Filed: (herewith) July 26, 2001  
For:    **System, Method and Computer Program Product to Maximize Server  
Throughput While Avoiding Server Overload by Controlling the Rate  
of Establishing Server-Side Network Connections**

Inventors:    Raphael *et al.*  
Our Ref:    1763.0140000

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1.    USPTO Utility Patent Application Transmittal Form PTO/SB/05;
2.    U.S. Utility Patent Application entitled:

**System, Method and Computer Program Product to Maximize Server  
Throughput While Avoiding Server Overload by Controlling the Rate of  
Establishing Server-Side Network Connections**

and naming as inventors:

Jose K. Raphael  
Kailash Kailash  
Michel K. Susai

Commissioner for Patents  
July 26, 2001  
Page 2

the application comprising:

- a. specification containing a total of 26 pages:
    - i. 22 pages of description prior to the claims;
    - ii. 3 pages of claims (13 claims);
    - iii. a one (1) page abstract;
  - b. 10 sheets of drawings: (Figures 1-2, 3A, 3B, 4-9); and
  - c. an Application Data Sheet (37 C.F.R. § 1.76).
3. 37 C.F.R. § 1.136(a)(3) Authorization to Treat a Reply As Incorporating An Extension of Time (*in duplicate*); and
4. Two (2) return postcards.

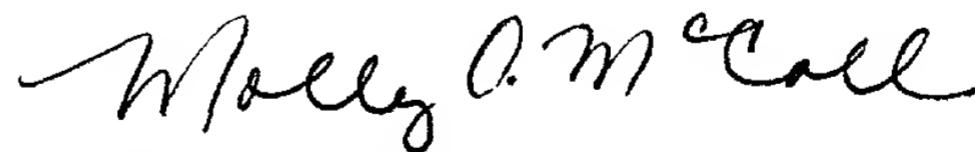
Correspondence should be sent to Customer Number 26111.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration and without filing fee.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Molly A. McCall  
Attorney for Applicants  
Registration No. 46,126

RES/MAM/tc  
Enclosures